

## **Part 2 Jurisdiction**

### **78B-14-201 Bases for jurisdiction over nonresident.**

- (1) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual, or the individual's guardian or conservator, if:
  - (a) the individual is personally served with notice within this state;
  - (b) the individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
  - (c) the individual resided with the child in this state;
  - (d) the individual resided in this state and provided prenatal expenses or support for the child;
  - (e) the child resides in this state as a result of the acts or directives of the individual;
  - (f) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
  - (g) the individual asserted parentage of a child in the putative father registry maintained in this state by the state registrar of vital records in the Department of Health pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act; or
  - (h) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.
- (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of Section 78B-14-611 are met, or, in the case of a foreign support order, unless the requirements of Section 78B-14-615 are met.

Amended by Chapter 45, 2015 General Session

### **78B-14-202 Duration of personal jurisdiction.**

Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 78B-14-205, 78B-14-206, and 78B-14-211.

Renumbered and Amended by Chapter 3, 2008 General Session

### **78B-14-203 Initiating and responding tribunal of state.**

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

### **78B-14-204 Simultaneous proceedings in another state.**

- (1) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

- (a) the petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;
  - (b) the contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and
  - (c) if relevant, this state is the home state of the child.
- (2) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:
- (a) the petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;
  - (b) the contesting party timely challenges the exercise of jurisdiction in this state; and
  - (c) if relevant, the other state or foreign country is the home of the child.

Amended by Chapter 45, 2015 General Session

**78B-14-205 Continuing, exclusive jurisdiction to modify child support order.**

- (1) A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order, and:
- (a) at the time of the filing of a request for modification, this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
  - (b) even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.
- (2) A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:
- (a) all of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or
  - (b) its order is not the controlling order.
- (3) If a tribunal of another state has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to the act, which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.
- (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.
- (5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

Amended by Chapter 45, 2015 General Session

**78B-14-206 Continuing jurisdiction to enforce child support order.**

- (1) A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

- (a) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or
  - (b) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.
- (2) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

Revisor instructions Chapter 245, 2013 General Session  
Amended by Chapter 412, 2011 General Session

**78B-14-207 Determination of controlling child-support order.**

- (1) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.
- (2) If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this state, another state, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and shall be recognized:
  - (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls.
  - (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls, or if an order has not been issued in the current home state of the child, the order most recently issued controls.
  - (c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state shall issue a child support order, which controls.
- (3) If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under Subsection (2). The request may be filed with a registration for enforcement or registration for modification pursuant to Part 6, Registration, Enforcement, and Modification of Support Order, or may be filed as a separate proceeding.
- (4) A request to determine which is the controlling order shall be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.
- (5) The tribunal that issued the controlling order under Subsection (1), (2), or (3) has continuing jurisdiction to the extent provided in Section 78B-14-205 or 78B-14-206.
- (6) A tribunal of this state that determines by order which is the controlling order under Subsection (2)(a), (b), or (3) that issues a new controlling order under Subsection (2)(c), shall state in that order:
  - (a) the basis upon which the tribunal made its determination;
  - (b) the amount of prospective support, if any; and
  - (c) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Section 78B-14-209.
- (7) Within 30 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that

fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

- (8) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under this chapter.

Revisor instructions Chapter 245, 2013 General Session  
Amended by Chapter 412, 2011 General Session

**78B-14-208 Child support orders for two or more obligees.**

In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

Revisor instructions Chapter 245, 2013 General Session  
Amended by Chapter 412, 2011 General Session

**78B-14-209 Credit for payments.**

A tribunal of this state shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this or another state or foreign country.

Revisor instructions Chapter 245, 2013 General Session  
Amended by Chapter 412, 2011 General Session

**78B-14-210 Application of chapter to nonresident subject to personal jurisdiction.**

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to Section 78B-14-316, communicate with a tribunal outside this state pursuant to Section 78B-14-317, and obtain discovery through a tribunal outside this state pursuant to Section 78B-14-318. In all other respects, Part 3, Proceedings, Part 4, Support Order, Part 5, Income Withholding Orders, and Part 6, Registration, Enforcement, and Modification of Support Order, do not apply and the tribunal shall apply the procedural and substantive law of this state.

Revisor instructions Chapter 245, 2013 General Session  
Amended by Chapter 412, 2011 General Session

**78B-14-211 Continuing, exclusive jurisdiction to modify spousal support order.**

- (1) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.
- (2) A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

- (3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as:
- (a) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or
  - (b) a responding tribunal to enforce or modify its own spousal support order.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session